



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINED LAND RECLAMATION
P. O. DRAWER 900; BIG STONE GAP, VA 24219
TELEPHONE: (276) 523-8197

APPLICATION FOR EXEMPTION DETERMINATION
(Extraction of Coal Incidental to the Extraction of other Minerals)

PART I:

COMPANY NAME		Telephone No. (with Area Code)	
ADDRESS		Employer Identification No.	
Location/County of Operation			
Authorized Representative			

This Application will be reviewed by the Division of Mined Land Reclamation (hereafter referred to as DMLR) to determine whether the anticipated coal removal at this operation is exempt from the **Virginia Coal Surface Mining Control and Reclamation Act of 1979**, as amended (Chapter 19, Title 45.1 of the **Code of Virginia**) and Part 4 VAC 25-130-702 of the **Virginia Coal Surface Mining Reclamation Regulations**, because the coal extraction would be incidental to the extraction of other minerals.

CERTIFICATION:

As authorized representative for the Applicant, I hereby certify that all information and attachments required by Part II and submitted in support of this application are true and correct to the best of my knowledge and belief. I further affirm that I fully understand and accept the conditions set forth in Part III of this Application in the event the DMLR renders an affirmative exemption determination.

Signature:			
Title/Position:		Date	

NOTARIZATION:

Subscribed and affirmed/sworn to before me by _____ this
_____ day of _____, 20____, in the City/County of _____, State of
_____.

Notary Public Signature		My Commission	
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PART II: APPLICATION REQUIREMENTS

As required by 4 VAC 25-130-702.12 of the **Virginia Coal Surface Mining Reclamation Regulations**, the Applicant shall provide the following information with this application:

- 1) A list of the minerals sought to be extracted at the minesite;
- 2) Estimates of annual production of coal and the other minerals within each mining area over the anticipated life of the mining operation;
- 3) The estimated annual revenues to be derived from bona fide sales of coal and other minerals to be extracted within the mining area;
- 4) Where coal or the other minerals are to be used rather than sold, the estimated annual fair market values at the time of projected use of the coal and other minerals to be extracted from the mining area;
- 5) The basis for all annual production, revenue, and fair market value estimates;
- 6) A description of the proposed coal mining area (include county, the boundaries of the land of sufficient certainty so that the coal mining areas may be located and distinguished from the other mining areas);
- 7) An estimate to the nearest acre of the number of acres that will compose the coal mining area over the anticipated life of the mining operation;
- 8) Evidence of publication, in a newspaper of general circulation in the county of the mining area, of a public notice that an application for exemption has been filed with the DMLR (The public notice must identify the persons claiming the exemption and must contain a description of the proposed operation and its locality that is sufficient for interested persons to identify the operation.);
- 9) Representative stratigraphic cross-section(s) based on test borings or other information identifying and showing the relative position, approximate thickness and density of the coal and each mineral to be extracted for commercial use or sale and the relative position and thickness of any material, not classified as other minerals, that will also be extracted during the conduct of mining activities;
- 10) A map of appropriate scale which clearly identifies the mining area;
- 11) A general description of mining and mineral processing activities for the mining area;

- 12) A summary of sales commitments and agreements for future delivery, if any, which the Applicant has received for other minerals to be extracted from the mining area, or a description of potential markets for such minerals;
- 13) If the other minerals are to be commercially used by the Applicant, a description specifying the use;
- 14) For operations having extracted coal or other minerals prior to filing an application for exemption, in addition to the information required above, the following information must also be submitted:
 - a) Any relevant documents the Applicant has received from the DMLR documenting its exemption from the requirements of the Virginia Coal Surface Mining Control and Reclamation Act;
 - b) The cumulative production of the coal and other minerals from the mining area; and
 - c) Estimated tonnages of stockpiled coal and other minerals; and
 - d) Any other information pertinent to the qualification of the operation as exempt.

PART III: CONDITIONS OF EXEMPTION

Should the DMLR approve this exemption application, the Applicant hereby agrees:

- A. To maintain on-site or at other locations available to authorized representatives of the DMLR and the Secretary of the Interior, information necessary to verify the exemption including (but not limited to) commercial use and sales information, extraction tonnages, and a copy of the exemption application and the DMLR's exemption approval;
- B. To notify the DMLR upon the completion of the coal mining operation or permanent cessation of all coal extraction activities; and
- C. To conduct operations in accordance with the approved application or when authorized to extract coal under 4 VAC 25-130-702.11(b) or 4 VAC 25-130-702.11(e)(3) prior to submittal or approval of an exemption application in accordance with the provisions of Act and the regulations promulgated thereunder.
- D. That authorized representatives of the DMLR and the Secretary of the Interior shall have the right to conduct inspections of operations claiming exemption under Part 4 VAC 25-130-702 of the regulations.
- E. That each authorized representative of the DMLR and the Secretary of the Interior conducting an inspection under this Part:

- 1) Shall have a right of entry to, upon, and through any mining and reclamation operations without advance notice or a search warrant (Va. Code 45.1-244,A,3), upon presentation of appropriate credentials;
- 2) May, at reasonable times and without delay, have access to and copy any records relevant to the exemption; and
- 3) Shall have a right to gather physical and photographic evidence to document conditions, practices or violations at a site.

F. That no search warrant shall be required with respect to any activity under Paragraphs D and E of this Part, except that a search warrant may be required for entry into a building.